

**LGBCS Paper 2541****Request for Administrative Area Boundary Review between Dundee City and Angus council areas at Church Road, Liff****Action Required**

1. The Commission is invited to consider a request for an administrative area boundary review between Dundee City council area and Angus council area on Church Road, Liff, near Dundee, see Appendix A.
2. The Commission is also invited to note other recent requests for administrative area boundary reviews in other areas of Scotland, see Appendix C.

**Background**

3. The Commission has received a request from an architect writing on behalf of their client, a resident of Liff, asking that the Commission consider amending the boundary between Dundee City and Angus council areas. The garden of 31 Church Road, Liff straddles the two council areas. A map of the area is shown at Appendix B1 and B2.
4. They have requested that the boundary be altered to ensure that the house and full extent of the garden are contained within Angus council area.
5. 31 Church Road, Liff was purchased on 8th February 1991. The dwelling and garden were both within Angus council area at that time.
6. In August 2000, the owners of 31 Church Road purchased farm land to the immediate south and south-west of the property in Dundee City council area, approximately an acre in area.
7. The architects' clients are looking to set their estate in order and are seeking to ensure the entirety of their property, both house and garden, are contained within a single council area.

**Directions**

8. A Direction is currently in place (2018–2023) for the Commission not to undertake an administrative area boundary review that would affect more than 500 electors. A further Direction is in place (2017–2022) for the Commission not to undertake an administrative area boundary reviews of all 32 council areas. Neither Direction would apply to this request.

**Electorate**

9. If the council area boundary was amended to follow the garden boundary of 31 Church Road, an administrative area boundary review would not transfer any electors between the two council areas.

**Historical Administrative Area Boundary Reviews**

10. In recent history the Commission has only conducted administrative area boundary reviews where the boundary has crossed through a property, these include: Fithiebank (2009), Robroyston (2009), Cardowan (2009) and Keltybridge (2015). The exception to this was the recent Cardowan (2018) administrative area review where a large number of local residents submitted a strong reasoned argument in support of a review.

### **Scottish Government Planning Guidance**

11. The architect practice have not stated if there are plans to extend the house or develop the land at 31 Church Road. However the Commission will be interested to note the planning steps for land covering two council areas.
12. Section 4.68 of the 'Scottish Government Guidance on the requirements in relation to applications for planning permission' states:
  - "4.68 Where an application is for development straddling local authority boundaries, the local authorities involved should inform the Local Government Boundary Commission Scotland ([lgbcs@scottishboundaries.gov.uk](mailto:lgbcs@scottishboundaries.gov.uk)). This is to allow the Commission to consider the need to re-align the boundary to ensure clarity about which local government area the resulting development is located. This is especially an issue with housing developments as regards council tax, education provision and other services.
13. Section 4.68 offers no further guidance for the Commission but it assumes that the Commission considers whether to amend the local authority boundaries in such circumstances.
14. Scottish Government explain that "a planning authority can only grant consent for development within its area. Therefore if a development lies across a boundary then the application has to be made to both authorities. Potentially there could be situations where an application lies in three planning authority areas and that would require three applications. Rather than pay two fees though, the applicant pays one and a half times the fee for the application. This is paid to the planning authority that the larger part of the development is situated in."

### **Administrative Area Boundary Review Timescales**

15. The Commission's recent Cardowan (2018) review took approximately two and a half years to be implemented, from the start of the review to implementation of the recommended changes. The Keltbridge review took nearly four years to be implemented.

### **Historical Boundaries**

16. The boundary in this area between Dundee City and Angus Council areas has been in place since the creation of the current 32 local authorities in 1996.
17. Studying the maps section of the National Library of Scotland, with access to 100 year-old historical maps, no historical boundaries follow the council area boundary by Liff.

### **School Catchment Areas**

18. If a resident has a preference for their child to attend a school within another council area boundary then they have to apply for a placing request. A placing request to attend a school in a different council area will normally be granted unless all the spaces are already filled with pupils already living in the catchment area, or there are other special circumstances where a council has the right to refuse a placing request.

### **Electoral Representation**

19. Liff is currently situated within a Dundee West UK Parliament constituency which comprises the western half of Dundee City and Angus council areas. Amending the council area boundary would not affect the Dundee West constituency boundary.
20. The boundary between the Angus South and Dundee City West Scottish Parliament constituencies follows the council area boundary in Liff. If the Commission undertook an administrative area boundary review in this area it could align the council area and Scottish parliament constituency boundaries during its Second Review of Scottish Parliament Boundaries, expected to commence in 2022.
21. The Scottish Parliament regions do not follow the same boundary and would not be affected by an administrative area boundary review in this area.
22. The community council area and polling district boundaries in this area both follow the council area boundary.

### **Conclusion**

23. This request for an administrative area boundary review does not concern a boundary that passes through a building but one that cuts across a plot of land.
24. It has not been the subject of a large number of requests from the public.
25. The request is purely for the personal convenience of the requesting party and residents of the property. No strong arguments have been provided to support an administrative area boundary review. Although an architect has submitted the request, they have not advised if they are developing the land or not.
26. A Direction from Scottish Ministers preventing administrative area boundary reviews if they affect more than 500 electors is currently in place but a review in this area would affect no electors.
27. Appendix C summarises other requests for administrative area boundary reviews received in 2020. The Commission considered a request by Bearsden, between Glasgow City and East Dunbartonshire council areas at its meeting of 21 July 2020. For the other requests the Secretariat explained the current Direction from Scottish Ministers preventing administrative area boundary reviews if they affect more than 500 electors.

### **Recommendation**

28. The Commission is invited to:
  - consider the request for an administrative area review at 31 Church Road, Liff, near Dundee and agree to write to the member of the public to advise them of that decision; and
  - note recent requests for administrative area boundary reviews.

**Email 21 October 2020**

Good afternoon,  
Attached is a drawing showing our client's plot which they have owned for 20 years. As you can see the plot is on the boundary of Dundee City Council and Angus Council with the plot crossing between the two. I ask that the boundary is revised so that the whole of the clients plot is within the Angus Council constituency.

If you have any questions please do not hesitate to get in touch.

Regards,  
Mitchell  
Jon Frullani Architect Ltd

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**Email 4 November 2020**

**From:** Mitchell  
**Sent:** 04 November 2020 14:05  
**To:** Grant A (Alistair)  
**Cc:** Jon Frullani  
**Subject:** RE: Dundee/Angus Council Boundary – Church Road, Liff

Morning Alistair,  
Thanks for getting in touch, I've attached the document previously sent regarding this issue.  
Following a conversation with our client; they purchased the house at 31 Church Road, Liff, including original garden (third of an acre) on 8th February 1991. They then later discussed with a local farmer about purchasing land to the immediate South, approximately an acre of land. Following the discussion with the farmer he explained that to achieve efficient ploughing they try and avoid irregularities in field patterns, thus proposing they also purchase the land adjoining to the immediate West. Calders Solicitors completed this transaction for the two acres on 17th August 2000.

Our clients are a couple who is looking to set affairs in place for their estate and have come across this issue where their land is divided across council borders. They're looking to regulate this anomaly to have the entirety of their land under a single constituency.

Regards,  
Mitchell

Jon Frullani Architect Ltd  
Unit 5, District 10, Greenmarket. Dundee DD1 4QB

Appendix A – map and image supplied by Jon Frullani Architect Ltd



Location Plan

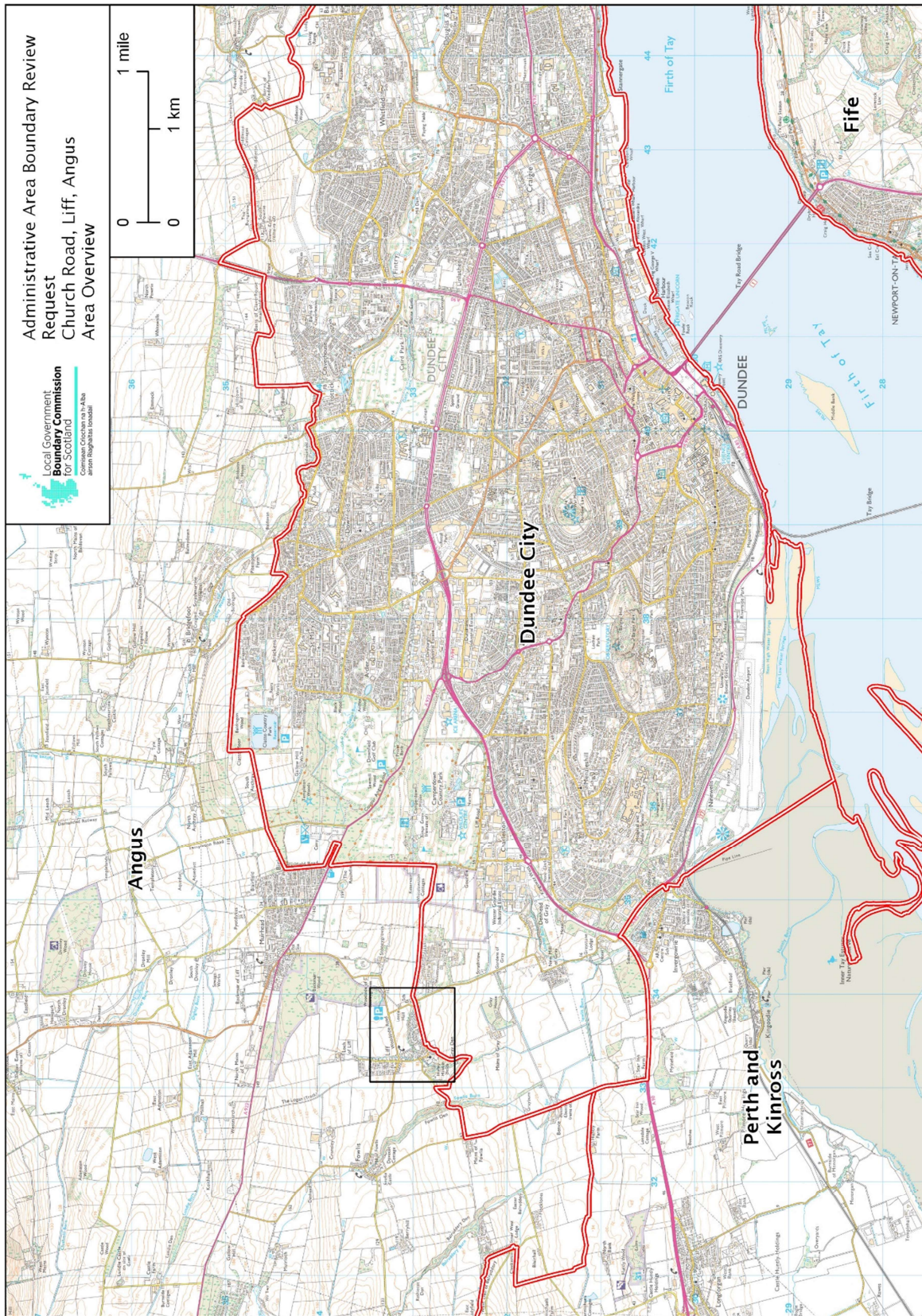


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Aerial Site View - 1/250



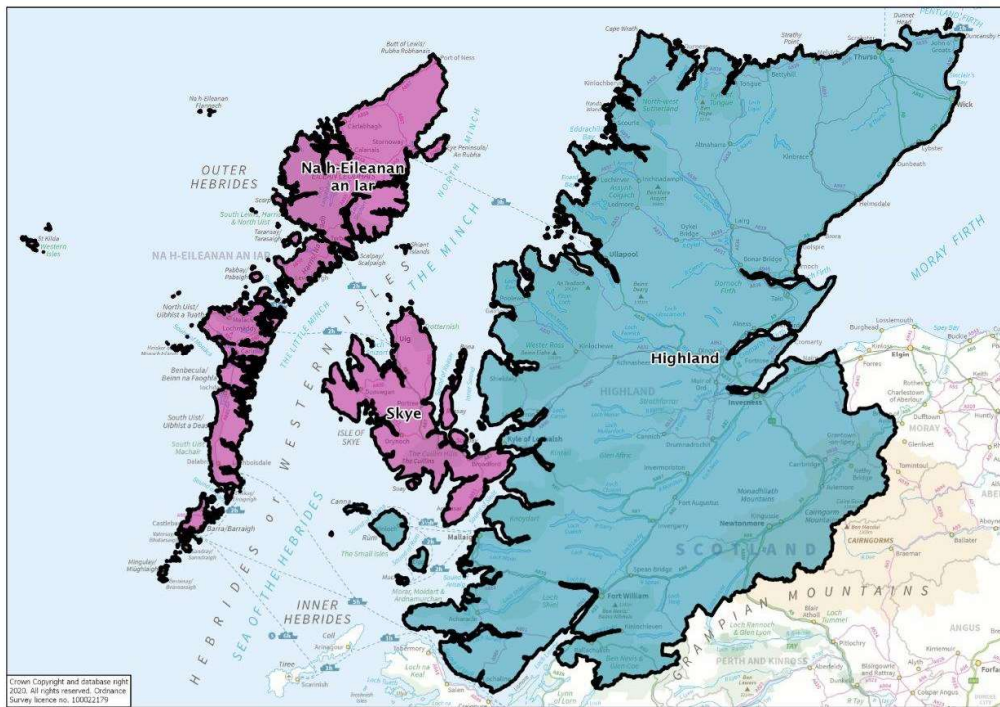




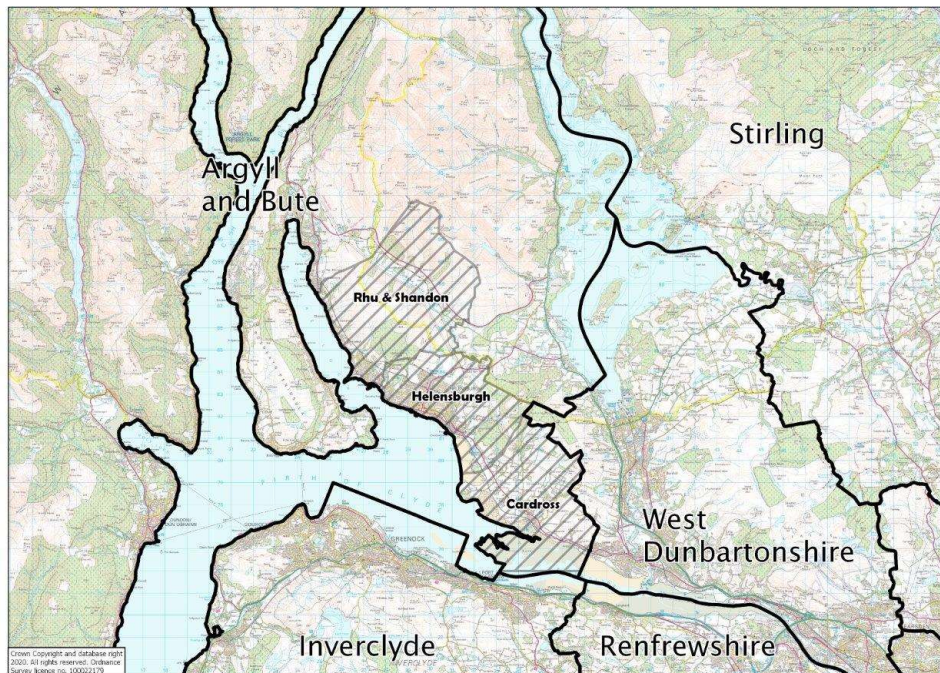
## Administrative area boundary review requests 2020

Council areas	Reason	Outcome
Highland and Na h-Eileanan an Iar (see map C1)	Poor road conditions and lack of investment in Skye. Wish to include Skye within Comhairle nan Eilean Siar.	Ministerial direction limiting reviews to areas with less than 500 electors
Argyll & Bute and West Dunbartonshire (see map C2)	Helensburgh resident believes town had deteriorated under Argyll & Bute Council. Wants Helensburgh to rejoin Dunbartonshire District	Ministerial direction limiting reviews to areas with less than 500 electors
East Dunbartonshire and Glasgow City (see map C3)	Bearsden school catchment area, road safety concerns and access to local amenities See Paper 2529	Declined, see minute of LGBCS meeting 21 July 2020
Perth and Kinross and Dundee City ((see map C4))	Plans to end a cross boundary agreement where the children of Invergowrie Primary School (Perth and Kinross) attend Harris Academy in Dundee. They would have to attend a secondary school in Perth.	Ministerial direction limiting reviews to areas with less than 500 electors

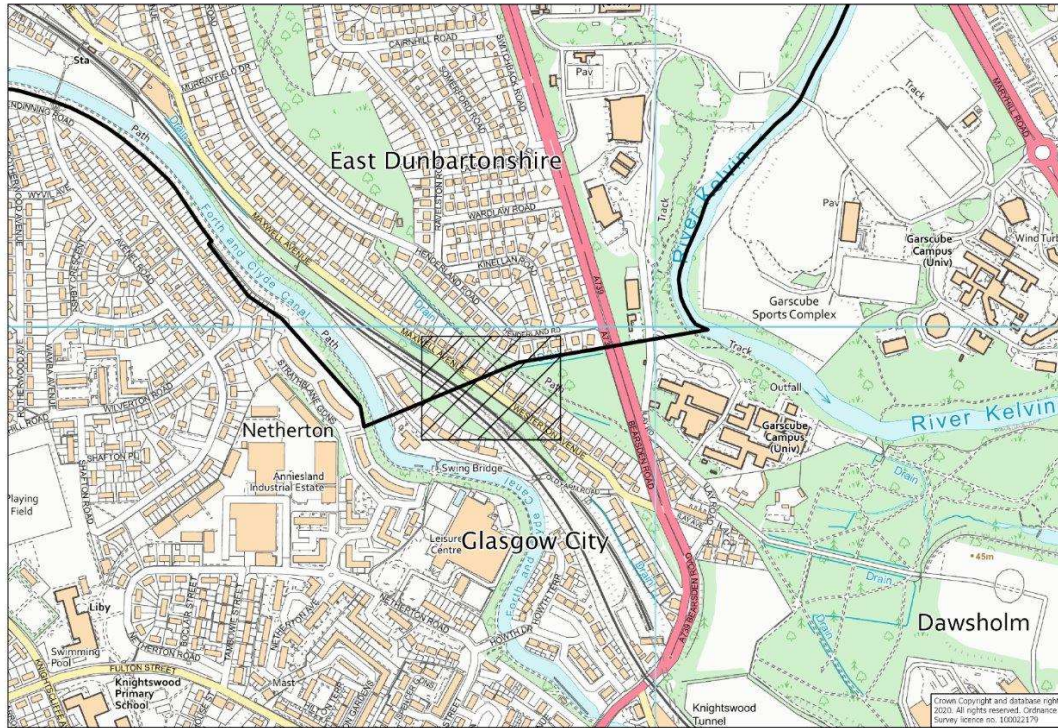
**Appendix C1 – Skye (Highland and Na h-Eileanan an Iar council areas)**



**Appendix C2 – Helensburgh (Argyll & Bute and West Dunbartonshire council areas)**



Appendix C3 – Bearsden (East Dunbartonshire and Glasgow City)



Appendix C4 – Invergowrie (Perth and Kinross and Dundee City council areas)

